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Patent

GR-48

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gunther Silberbauer  
Serial No: 10/066,085  
Filed: January 31, 2002  
For: DEVICE FOR COLLECTING PRINTED SHEETS IN A CERTAIN  
SEQUENCE ASTRIDE AND ATOP ONE ANOTHER TO FORM  
A PRINTED PRODUCT  
Examiner: Mark A Deuble  
Art Unit: 3651

MAIL STOP APPEAL BRIEF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

SUBMISSION OF BRIEF ON APPEAL

SIR:

Submitted herewith is a Brief On Appeal in triplicate in support of the appeal filed August 23, 2004.

A check in the amount of \$340.00 to cover the fee pursuant to 37 CFR §1.17 (f) is enclosed.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: October 22, 2004  
**Encls: Check \$340.00**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 22, 2004.

By: *Fr Kueffner* Date: October 22, 2004  
Friedrich Kueffner



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BRIEF ON APPEAL

S I R:

This appeal is taken from the Final Action mailed April 22,  
2004.

10/26/2004 FFANAI2 00000020 10066085

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**Real Party in Interest**

The real party in interest in the above-identified application is:

GRAPHIA-Holding AG  
Sonnenbergstrasse 13  
CH-6052 Hergiswil  
Switzerland

**Related Appeals and Interferences**

There are no related appeals or interferences of which Applicants are aware regarding the above-identified application.

**Status of Claims**

Claims 1-4 are pending in the application. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1, 3 and 4 are subject to the present appeal. Claims 1 and 4 stand rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,315,107 to

Müller et al. Claim 1 stands rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,678,813 to Osako et al. Claims 1, 3 and 4 stand rejected under 35 U.S.C. 103(a) over Müller et al. Claims 1 and 3 stand rejected under 35 U.S.C. 103(a) over Osako et al. Claims 1, 3 and 4 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 4,198,039 to Bryson et al.

#### **Status of Amendments After Final Rejection**

A request for reconsideration was filed after final rejection but no amendments were made to the claims.

#### **Summary of the Invention**

The claimed invention recites a device for collecting printed sheets 3 in a certain sequence astride and atop one another to form a printed product 4. The device includes a saddle-shaped support 2 configured to be supplied by a sheet feeder 5 with printed sheets 3. The saddle-shaped support 2 is arranged above a conveying device 1 transporting the printed products to a further processing step (See Fig. 1 and page 7, lines 2-19). The saddle-shaped support 2 includes a circulating

traction mechanism 8 and driving members 7 connected to the circulating traction mechanism 8. The driving members 7 act on the printed products 4 to convey the printed products 4 in a direction parallel to a conveying direction F of the conveying device 1 (See Fig. 2 and page 8, lines 1-12). The foregoing is covered in independent claim 1.

Claim 3 depends from claim 1, and further limits the same by defining that the device has a device frame 12 and wherein the saddle-shaped support 2 has a rearward end when viewed in the conveying direction F of the conveying device 1, wherein the rearward end of the saddle-shaped support 2 is connected fixedly to the device frame 12. (See Fig. 2, page 5, lines 1-4 and page 8, lines 12-16).

Claim 4 depends from claim 1, and further limits the same by defining that the saddle-shaped support 2 is arranged such that freely suspended lateral parts of the printed products 4 partially overlap the conveying device 1. (See page 5, lines 6-10).

**Issues**

The following issues are presented for review:

Whether claims 1 and 4 are anticipated under 35 U.S.C. 102(e) over U.S. Patent No. 6,315,107 to Müller et al.

Whether claim 1 is anticipated under 35 U.S.C. 102(b) over U.S. Patent No. 5,678,813 to Osako et al.

Whether claims 1, 3 and 4 are unpatentable under 35 U.S.C. 103(a) over Müller et al.

Whether claims 1 and 3 are unpatentable under 35 U.S.C. 103(a) over Osako et al.

Whether claims 1, 3 and 4 are unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 4,198,039 to Bryson et al.

**Grouping of Claims**

Claims 1, 3 and 4 stand or fall together.

Argument

The Rejection of Claims 1, 3 and 4 over Müller et al.:

In rejecting claims 1 and 4, the Examiner stated the following when rejecting the claims as being anticipated by Müller et al.:

"Muller shows a device which can be used for collecting printed sheets in a certain sequence astride and atop one another to form a printed product that includes a saddle-shaped support formed by a first conveyor 2 that is configured to be supplied by a sheet feeder with printed sheets and a conveying device 3 arranged below the saddle-shaped support for transporting the products to a further processing step. The saddle-shaped support has a circulating traction mechanism formed by members 11, 19, 2a and 20 (see Fig. 7) and driving members 5 connected to the circulating traction mechanism so that the driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device. Because the saddle-shaped support is arranged to be just slightly above the conveying device 3 at the transfer point, the freely suspended lateral parts of the printed products partially overlap the conveying device. Thus Muller et al. shows all the structure required by claims 1 and 4."

In rejecting claims 1, 3 and 4 as being unpatentable over Müller et al. the Examiner stated the following:



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"Muller et al. shows generally all that is required by the claims except for the rearward end of the saddle-shaped support connected fixedly to a device frame. While, no device frame is disclosed it is clear that both the forward and rear ends of the saddle-shaped support must be fixedly supported by some structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to fixedly attach the rear end of the saddle-shaped support to a device frame. When this is done, Muller et al. would show all the structure required by claims 1 and 3-4."

It should be mentioned that the claims presently on file specifically define a device for collecting printed sheets in a certain sequence astride and atop one another to form a printed product. The device comprises a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets, wherein the saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step. The saddle-shaped support comprises a circulating traction mechanism and driving members connected to the circulating traction mechanism. The driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device.

Turning now to the patent to Müller et al., it can be seen that this patent discloses a conveyor plant for gathering and processing printed sheets, in which sheets are transferred from a

collector chain 2 in a transfer region A to a double chain 3. The collector chain 2 has a give-off end that overlaps a take-up end of the double chain 3. This means that the collector chain 2 and the double chain 3 are arranged behind one another, not above one another as in the presently claimed invention. Muller et al. do not disclose or teach a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets, wherein the saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step, as in the presently claimed invention. Muller et al. further do not disclose or teach a saddle-shaped support that comprises a circulating traction mechanism and driving members connected to the circulating traction mechanism, as in the present invention. Furthermore, Muller et al. do not disclose or teach the driving members acting on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device, as in the present invention.

**The Rejection of Claims 1 and 3 over Osaka et al.:**

In rejecting claim 1, the Examiner stated the following when rejecting the claim as being anticipated by Osaka et al.:

"Osaka shows a device which can be used for collecting printed sheets in a certain sequence astride and atop one another to form a printed product that includes a saddle-shaped support formed by a first conveyor 111 that is configured to be supplied by a sheet feeder with printed sheets and a conveying device 117 arranged below the saddle-shaped support for transporting the products to a further processing step (See Fig. 8). The saddle-shaped support has a circulating traction mechanism 111 and driving members 112 connected to the circulating traction mechanism so that the driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device. Thus Osaka et al. shows all the structure required by claims 1 and 4."

In rejecting claims 1 and 3 as being unpatentable over Osaka et al. the Examiner stated the following:

"Osaka et al. shows generally all that is required by the claims except for the rearward end of the saddle-shaped support connected fixedly to a device frame. While, no device frame is disclosed it is clear that both the forward and rear ends of the saddle-shaped support must be fixedly supported by some structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to fixedly attach the rear end of the saddle-shaped support to a device frame. When this is done, Osaka et al. would show all the structure required by claims 1 and 3-4."

As previously mentioned, the claims presently on file specifically define a device for collecting printed sheets in a certain sequence astride and atop one another to form a printed product. The device comprises a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets, wherein the

saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step. The saddle-shaped support comprises a circulating traction mechanism and driving members connected to the circulating traction mechanism. The driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device.

The patent to Osako et al. discloses a book-binding method for a saddle-stitched bound book. This reference does not disclose or suggest a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets in a certain sequence, wherein the saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step, as in the presently claimed invention. This reference also does not disclose or teach the features discussed above in connection with Muller et al., namely a saddle-shaped support that comprises a circulating traction mechanism and driving members connected to the circulating traction mechanism, and the driving members acting on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device, as in the present invention.

**The Rejection of Claims 1, 3 and 4 over Bryson et al.:**

In rejecting claims 1, 3 and 4 as being unpatentable over Bryson et al. the Examiner stated the following:

"Bryson et al. shows a device which can be used for collecting printed sheets in a certain sequence astride and atop one another to form a printed product that includes a saddle-shaped support formed by a first conveyor 130 that is configured to be supplied by a sheet feeder with printed sheets and a conveying device 16 arranged below the saddle-shaped support for transporting the products to a further processing step. The saddle-shaped support has a circulating traction mechanism 134 that acts on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device. Because the saddle-shaped support is arranged to be just slightly above the conveying device 16 at the transfer point, the freely suspended lateral parts of the printed products partially overlap the conveying device. Thus Bryson et al. shows all the structure required by claims 1 and 4 except for the driving members connected to the circulating traction mechanism. It should be noted, however, that the advantageous use of driving members on a circulating traction mechanism is well known in the art as is evidenced by Müller et al., Osaka et al., and Bryson et al. itself. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the traction mechanism 134 with driving members. When this is done, Bryson et al. would show all the structure required by claims 1 and 4.

In regard to the limitation of claim 3, it is noted that while no device frame is disclosed it is clear that both the forward and rear ends of the saddle-shaped support must be fixedly supported by some structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to fixedly attach the rear end of the saddle-shaped support to a device frame. When this is done, Bryson et al. would show all the structure required by claims 1 and 3-4."

The patent to Bryson et al. discloses a signature cover folder feeder. This reference does not disclose or suggest a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets in a certain sequence, wherein the saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step, as in the presently claimed invention. This reference also does not disclose or teach the features discussed above in connection with Muller et al.


### **Conclusion**

Accordingly, in view of the above considerations, it is Applicant's position that the Examiner's rejection of claims 1 and 4 under 35 U.S.C. 102(e) over Müller et al., the Examiner's rejection of claim 1 under 35 U.S.C. 102(b) over Osako et al., the Examiner's rejection of claims 1, 3 and 4 under 35 U.S.C. 103(a) over Müller et al., the Examiner's rejection of claims 1 and 3 under 35 U.S.C. 103(a) over Osako et al., and the Examiner's rejection of claims 1, 3 and 4 under 35 U.S.C. 103(a) over Bryson et al. are in error and should be reversed.

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Respectfully submitted,

By   
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Dated: October 22, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on October 22, 2004.

By:   
Friedrich Kueffner

Date: October 22, 2004

Appendix

1. A device for collecting printed sheets in a certain sequence astride and atop one another to form a printed product, the device comprising:

a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets, wherein the saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step;

wherein the saddle-shaped support comprises a circulating traction mechanism and driving members connected to the circulating traction mechanism;

wherein the driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device.

2. The device according to claim 1, wherein the saddle-shaped support comprises a stop arranged at one end of the saddle-shaped support, wherein the stop is configured to align the rearward edges of the printed sheets in the conveying direction of the conveying device, wherein the traction mechanism has a reversible drive motor.



3. The device according to claim 1, wherein the device has a device frame and wherein the saddle-shaped support has a rearward end when viewed in the conveying direction of the conveying device, wherein the rearward end of the saddle-shaped support is connected fixedly to the device frame.

4. The device according to claim 1, wherein the saddle-shaped support is arranged such that freely suspended lateral parts of the printed products partially overlap the conveying device.